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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,205	03/26/2004	Michael Cheiky	968-20-022 DIV II	8647

7590 10/04/2004

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EXAMINER

LUK, LAWRENCE W

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,205

Applicant(s)

CHEIKY ET AL.

Examiner

Lawrence W Luk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35 and 37-42 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/26/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/20/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Item at Foreign Patent Documents is missing from the application file. Applicant is requested to submit a legible copy of Foreign Patent Documents.

Drawings

2. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35, 37, 38, 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai et al. (5,982,151).

As to claim 35, Nagai et al. disclose in figure 3, column 1, lines 11-15 and 55-67, a battery charging system, comprising: a current source (unit IN-A & IN-B); a plurality of batteries connected in series (unit BT); said current source in series with said batteries; and a plurality of voltage and current regulators (unit 12, unit 11), each said voltage and current regulator connected across a respective one of said batteries (unit BT), each said voltage and current regulator regulating voltage applied to said respective battery and current supplied to said respective battery, each of said voltage and current regulators (unit 12 & unit 11) also being connected in series.

As to claim 37, Nagai et al. disclose in figure 18, said battery charging system has a switch (unit 61) in series with said current source (unit IN-A) to control current supplied to said batteries (unit BT) by switching (unit 16) said current source on or off.

As to claim 38, Nagai et al. disclose in column 20, lines 60-63 and column 26, line 60 to column 27, line 6, said switch is timer controlled.

As to claim 40, Nagai et al. disclose in figure 29, column 27, lines 12-14, said battery charging system has means for incorporating at least one additional reference input voltage at said reference input to said band-gap voltage reference diode.

As to claim 41, Nagai et al. disclose in figure 29, column 27, lines 10-20, said voltage and current regulator is programmable.

As to claim 42, Nagai et al. disclose in figure 3, 27, 29 & 30, column 1, lines 11-15 and 55-67, a battery charging system comprising: a current source (unit IN-A, IN-B); a plurality of batteries (unit BT) connected in series; said current source in series with said batteries; a plurality of programmable voltage and current regulators (unit 12 & unit 11),

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each said voltage and current regulator connected across a respective one of said batteries, each said voltage and current regulator regulating voltage applied to said respective battery and current supplied to said respective battery, each of said voltage and current regulators (unit 12 & unit 11) also being connected in series; and a timer controlled switch (column 20, lines 60-63) in series with said current source and said batteries, said timer controlled switch controlled by a microcontroller (column 26, line 55 to column 27, line 20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagai et al. (5,982,151) in combination with Kocin (2002/0199131).

As to claim 39, Nagai et al. disclose the elements as claims, except for said timer controlled switch is a microcontroller.

Kocin disclose in column 3, [0032], said timer controlled switch is a microcontroller.

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Nagai et al. to include said timer controlled switch as a microcontroller as taught by Kocin for monitoring voltage and current to the batteries.

Allowable Subject Matter

7. Claim 36 is objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that an adjustable band-gap voltage reference diode in series with a resistor, said series resistor and said band-gap voltage reference diode connected across said respective battery, said adjustable band-gap voltage reference diode having a reference input.

Claim 36 would be allowable if rewritten in independent form including all of the limitations of the base claim.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL

September 24, 2004

Lawrence Holt

examiner

9/24/04